UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/1
8 November 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 13 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Arab Lawyers' Union, a non-governmental organisation in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 October 1989]

1. The Arab Lawyers' Union has monitored the human rights situation in Sudan in recent months with growing concern. Since the military take-over of 30 June 1989, led by Lieutenant-General Omar Hassan el-Bashir, a number of grave developments have taken place which have far-reaching implications concerning the protection of the human rights and fundamental freedoms which are guaranteed under international human rights treaties, and, specifically, by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which Sudan acceded on 18 March 1986.

best copy available

2. Immediately on assuming power, the military authorities dissolved the Constituent Assembly (Sudan's legislative body) which was freely and democratically elected in 1986, in accordance with Article 25 of the International Covenant on Civil and Political Rights, and suspended the Constitution. All political parties, professional associations and trade unions, some of which were participating in the coalition government led by Prime Minister Sadeq el Mahdi, were banned; with the end of the multi-party system, came an end to freedom of the press, with the forcible closure of more than 40 newspapers.

3. The Arab Lawyers' Union was particularly concerned at the military authorities' decision to dissolve the Sudan Bar Association. This constitutes an unprecedented attack on a professional body long recognized and respected nationally and internationally for its consistently courageous and impartial defence of human rights and civil liberties. Unlike other professional associations, it is not governed by the law on trade unions, but by a special law on the legal profession, promulgated in 1983, which stipulates that the Bar Association may be dissolved only in accordance with the provisions of that same law, and that, in such case, its assets should fall under the administration of the district court of Khartoum. These legal provisions were completely disregarded when the special committee set up to oversee the dissolution of trade unions and receive their assets summoned three office holders of the Bar Council to register the contents of the Bar Association office, which were then sealed under armed guard.

4. The Bar Association subsequently sent a memorandum to the military authorities protesting against the measures taken. The response was twofold: first, to appoint a committee of three lawyers, none of whom was a member of the Bar Council, to dispose of the Bar Association's affairs; second, to arrest and hold in administrative detention no fewer than five members of the Council of the Bar Association: Mustafa Abd el Gadir, Dr. Amin Makki el Madani, Jalal ed-Dine el Sayyid, Ishaq Shaddad and Sadeq el-Shami. At least ten other members of the Bar Association, among them Mirghani Nasseri, former Head of the Bar Association and member of the Council of the Head of State, were similarly arbitrarily arrested and detained under emergency legislation in Khartoum and other parts of the country. They and countless other academics, politicians and members of trade unions and other professional associations, remain held without charge or trial, denied even the right to challenge the legality of their detention before a judicial authority, as provided for by Article 9 of the International Covenant on Civil and Political Rights.

5. Safeguards for the impartial administration of justice suffered a further blow with the summary dismissal of 57 judges, including 7 members of the High Court, 10 members of the Court of Appeal and 40 district court judges. Republican Decree No. 3 brought the judiciary under the control of the executive authority and a new head of the judiciary was duly appointed, in contravention of the law governing the judiciary. In addition, the judiciary was stripped of its powers of investigation, of extending periods of pre-trial detention of those accused of offences punishable under the penal code, and of its right to examine matters relating to detainees held under emergency legislation. According to information received by the Arab Lawyers' Union, a number of judges were detained following their participation in a strike in protest against the executive authority's interference in judicial affairs.

READEX
FICHE

6. The Arab Lawyers' Union's fears for the independent functioning of the judiciary in Sudan were further heightened by the establishment of special military courts in Khartoum and elsewhere in the country, empowered to deal with any offences, including those punishable by death. These courts are not bound by the provisions of the Criminal Procedure Code, and military officers appointed to them are not known to have any legal training. The court's procedures appear to deny the accused the most basic requirements for fair trial, including the right to be defended by counsel of his or her own choosing, and the right to appeal against conviction and sentence to a higher tribunal.

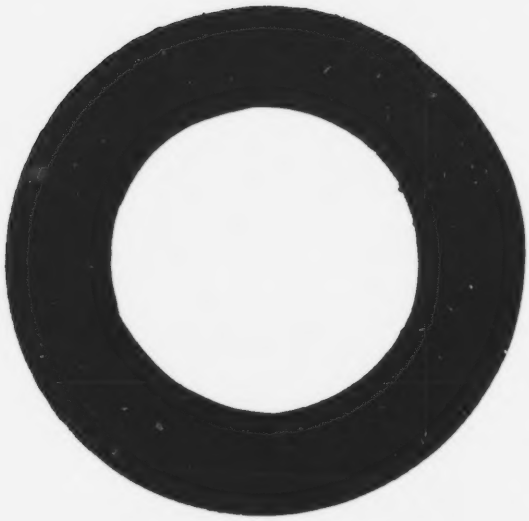
7. Mr. Idris el Banna, former Vice President of the Council of the Head of State, appeared before a military court in Khartoum on 2 September 1989 on a number of charges, including economic sabotage. He had had no access to the evidence against him, and was denied his right to be assisted by a lawyer. The court hearing lasted a mere 20 minutes, after which he was convicted and sentenced to 40 years' imprisonment and confiscation of all his property. Such proceedings are a flagrant violation of internationally recognized standards for fair trial, as set down in Article 14 of the International Covenant on Civil and Political Rights.

8. The Arab Lawyers' Union has called on the competent Sudanese authorities to put an immediate end to all these abuses of human rights, to reinstate the institutions and associations which were dissolved following 30 June, and to restore to the Sudanese people, as a matter of urgency, their democratic and human rights, as guaranteed them by the international human rights instruments to which Sudan is a State party. The Arab Lawyers' Union believes that such measures can only serve to enhance the standing of the Sudanese nation in the Arab, African and international community.

9. At the beginning of October 1989 the Arab Lawyers' Union sent a five person delegation, led by its President, Ahmed el Khawaga, to Khartoum for talks with Lieutenant-General Omar Hassan el-Bashir and other authorities concerning the continuing violations of human rights in the country. The Arab Lawyers' Union regrets that the talks yielded no positive results.

10. In view of the gravity of the human rights situation in Sudan, the Arab Lawyers' Union calls on the United Nations to do everything in its power to ensure the protection of human rights and fundamental freedoms in Sudan.

- - - - -



UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/2
18 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 12 of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF THE COMMISSION

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 January 1990]

1. The Women's International Democratic Federation considers the theme of respect for and full implementation of human rights and fundamental freedoms, and especially those of women and children, to be of the utmost importance, and highly appreciates the activities of the Commission in this respect.

2. The Federation firmly supports resolution 1989/49 adopted by the Commission at its forty-fifth session on "international co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms".

3. The Federation welcomes the results of the Vienna Meeting of the Conference on Security and Co-operation in Europe (CSCE), which underlined the importance of promoting and encouraging respect for human rights as a factor for common security in Europe. It expresses its conviction that this positive experience can be used in other regions also.

4. The Federation informed all its affiliated organizations in 124 countries of the concluding document of the Vienna Meeting and the basis it provides for women and their organizations to become integrated in the human dimension of the CSCE process. WIDF regards as especially important those provisions of the document which express the determination of the participating States to ensure equal rights of men and women and to take all measures necessary, including legislative measures, to promote the equally effective participation of men and women in political, economic, social and cultural life. As a necessary step to the realization of this decision, all States which have not yet done so should consider the possibility of acceding to and implementing the Convention on the Elimination of All Forms of Discrimination against Women. Using the provisions of the document, women could start to organize groups to monitor the implementation of the Convention.

5. At the thirty-third session of the United Nations Commission on the Status of Women (Vienna, March 1989), WIDF proposed that consideration be given to setting up an independent committee to strengthen the machinery for monitoring the implementation of the Convention, consisting of representatives of the United Nations system, Governments, non-governmental organizations, trade unions, the mass media and research institutes. The creation of such an authoritative and independent committee, together with a joint effort on the part of monitoring groups, could accelerate the implementation of women's and children's rights. National monitoring centres could be a way of directly influencing the process of implementation by Governments.

6. The Federation supports the dissemination of information on human rights, and specifically on the rights of women and children, and agrees that this and the teaching of human rights are both important tasks and would contribute to the implementation of universally recognized international human rights standards.

7. The Federation welcomes the efforts of the United Nations Commission on Human Rights to improve the forms and methods of its work and reaffirms its full support for the activities of the Commission in that direction.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/3
25 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 13 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Commission of the Churches on International Affairs, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 January 1990]

The internally displaced

1. At present, 30-40 million people have been uprooted from their communities but remain within their national borders, where they suffer serious problems as regards protection and assistance. Their basic human rights are violated on a massive scale. Unlike refugees, who are uprooted for similar causes but who have managed to cross into another country, those who are internally displaced have been virtually ignored by the international community and particularly by the United Nations system. Given the scope of the problem, and the urgent needs of these individuals, United Nations human rights bodies must seriously address these concerns.

Refugees and the internally displaced

2. People are forced from their communities for a variety of reasons: wars, communal and ethnic violence, forced resettlement programmes, civil conflicts, persecution, environmental disasters and systemic economic deprivation. Some cross an international border and are recognized as refugees. A far larger number remain displaced within their own countries of origin, where they face a precarious and dangerous existence.

3. By definition, refugees are those who are outside their countries of origin and who are unable or (due to a well-founded fear of persecution) unwilling to avail themselves of the protection of their own Government. Thus, a whole body of international law has been developed to give refugees special rights to ensure their protection in the countries of asylum and to permit special assistance to be extended to them.

4. In contrast, the internally displaced remain inside their country's borders, a fact which creates serious protection problems for them. In some cases their Governments may be unable to protect them; as in Mozambique, where more than 3 million people have been displaced by the violence. In others, where the Government is not in sympathy with the population, the Government may restrict access to displaced populations by the media, voluntary agencies and international organizations. This treatment sometimes extends to the prevention of food aid reaching the displaced. Furthermore, military and security forces may consider them as subversives; sometimes they are the targets of "death squads". Attacks against internally displaced people range from aerial bombing to abduction, torture, disappearance and murder. Often the proximity of the internally displaced to the causes which provoked their uprooting means that they live under constant threat of attack - or of being uprooted again.

5. The plight of the internally displaced is often far worse than that of refugees - precisely because they are still within their home countries. Moreover, displaced people often have fewer resources, are in worse physical condition and lack the skills of refugees who manage to leave the country. Displaced populations seem to be disproportionately composed of a majority of women, children, the elderly and the handicapped; however, reliable demographic information is almost completely lacking, as no one is responsible for collecting it.

6. Refugees can appeal to a host of international conventions and procedures. The 1951 Geneva Convention and its 1967 Protocol provide certain minimum guarantees of protection and assistance to those displaced outside their countries of origin. The Office of the United Nations High Commissioner for Refugees (UNHCR) is mandated by the international community to see that the basic needs of refugees are addressed.

7. While there are many problems in implementing these conventions on refugees, the fact remains that the international system has responded to the needs of refugees by creating specific international instruments for their protection and assistance.

8. In contrast, for those displaced within their own countries there is no specific international organization to which they can appeal for protection or assistance. Moreover, there is no body of international law designed

specifically to address their needs, even though the basic human rights instruments and the Geneva Conventions protecting the victims of war are applicable to the situation of the internally displaced.

9. As UNHCR is mandated to work with those outside their home countries, it is usually unable to respond. The International Committee of the Red Cross (ICRC) gives the greatest priority to aiding civilians in times of conflict, but is reluctant to jeopardize this work by involvement with groups of displaced who have moved out of conflict zones to areas still under the sovereignty of the national Government.

Churches and the displaced

10. Churches try to provide assistance to some of the estimated 1.5-2.8 million living on the margins of major cities in the Sudan. In El Salvador and Sri Lanka, the churches have been in the forefront of providing shelter, medical assistance, food and some protection to those displaced by the violence.

11. But churches are increasingly recognizing that these efforts are not enough to respond to the urgent needs of the world's displaced, victims of human rights violations. More attention must be focused on their plight and its causes. The international human rights machinery must be challenged to respond in creative and humane ways to these massive needs.

12. As a first step in raising awareness about the protection needs of the internally displaced, and further to the encouragement provided by the report of the Third Committee (A/43/868) to the General Assembly in December 1988, the Commission of the Churches calls for the appointment of a United Nations Special Rapporteur to study the status of the internally displaced world-wide and to make recommendations that would ensure that their protection needs are met.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/4
18 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 10 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by the Federation of Associations of Former International Civil Servants, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 January 1990]

1. The Federation of Associations of Former International Civil Servants (FAFICS) expresses its grave concern at the continuing, and increasing, violations of the human rights of officials of the United Nations system. It condemns in the strongest terms the arrest, detention and assassination of officials while carrying out their international duties. In this condemnation, FAFICS is allied with the Association for the Security and Independence of International Civil Servants and the Federation of International Civil Servants' Associations.

2. This is not a new question. The Secretary-General, on behalf of the Administrative Committee on Co-ordination, has reported on it to the General Assembly since 1981. The Sub-Commission on Prevention of Discrimination and Protection of Minorities has adopted resolutions and

entrusted one of its members to examine the violations and their consequences. The Commission on Human Rights adopted resolutions in 1988 and 1989. The Economic and Social Council and the Security Council have expressed themselves on this question. The General Assembly itself adopted resolutions in 1987, 1988 and 1989.

3. It is a sad commentary on our times that, in spite of this strong condemnation by all the instances of the Organization, the practice, far from ending, seems to be increasing. Thus, resolution 44/186 of the General Assembly, adopted barely two months ago, deplored "the increase in the number of cases in which the safety, functioning and well-being of officials have been placed in jeopardy". Today, there are over 100 officials in detention in 15 different Member States, while the brutal murders of our colleagues, Col. William Higgins and Gena Hlass, and the disappearance of Alec Collett, must still be fresh in all our minds.

4. FAFICS is deeply concerned at this deteriorating situation. Perhaps it is true that the world has grown sated with accounts of callous violations, but it is also true that there has been a remarkable flowering of human dignity, a strong wind of change that has brought divisive walls and barriers tumbling down. The world is increasingly looking to the United Nations to deal with situations of conflict and tension, recognizing that there is no viable alternative. These violations, then, represent a serious undermining of the Organization's capacity to deal with them. Never has the need for the independence and impartiality of the international civil service been more important; never has it been more seriously jeopardized.

5. Representing as it does several thousands of former international officials, FAFICS is well placed to recognize the danger that these violations offer to the very concept of international organizations and the world's efforts to seek accommodation through them. The Federation reiterates its belief that the world needs a strong, independent international civil service which can function without risk of arbitrary violence to person and function. It holds this belief as strongly as it holds the belief that officials must be true to their oath of loyalty to their organization. This is important to international staff; it is important to FAFICS; it is all-important to the effective functioning of the United Nations.

6. FAFICS strongly supports the determined efforts of the Secretary-General, the executive heads of the agencies, of the Commission on Human Rights and the General Assembly and urges that they be pursued with the utmost vigour.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/5
25 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 24 of the provisional agenda

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the Bahá'í International Community, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 December 1989]

1. As stated by Mrs. Odio Benito in her excellent report (E/CN.4/Sub.2/1987/26) and reiterated by Mr. van Boven in his recent enlightening working paper (E/CN.4/Sub.2/1989/32) to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the right to freedom of thought, conscience, religion and belief is closely linked to all other human rights and fundamental freedoms and intimately connected with them. Indeed, so important is this right to the individual that, throughout history, human beings have been willing to sacrifice all other freedoms, and even life itself, rather than renounce their right to believe and act in accordance with their innermost conscience.

2. There are, however, particular problems in guaranteeing this freedom and in fostering collaboration and dialogue among people of differing religions and beliefs. These arise from the fact that such religions and beliefs are, in many cases, not merely varying ways of looking at life, but contain in themselves fundamental views according to which ideas held strongly by other systems of belief are both false and harmful.

3. One cannot hope to establish a universal code which upholds the right to freedom of thought, conscience, religion and belief by insisting that the followers of one or other of these systems surrender certain beliefs which are in conflict with those of others; such an attempt would, in itself, be a denial of the freedom which this code seeks to establish.

4. The Bahá'í International Community maintains, however, that conflicting ideas do not inevitably lead to conflict of persons, and it suggests that three principles will help immeasurably to overcome the obstacles to the achievement of this freedom.

5. The first of these principles is recognition of human fallibility and acceptance of the fact that, however true a person may hold his beliefs to be, he must recognize that his understanding of them is limited by his own limited nature. History alone is a clear demonstration of this human fallibility.

6. The second is confidence in the ultimate triumph of truth if we will but seek it with perseverance and humility.

7. The third is recognition of our common membership in one human race living in one small world, the solution to whose problems demands the profoundest thought and best effort that every human being can bring to the task.

8. The Bahá'í International Community suggests that the proponents of every system of religion or belief, in consciousness of these three principles, will, while holding to the beliefs that inspire their lives, be enabled to credit their fellow human beings of other beliefs with having the same idealistic intention for the benefit of humankind, and will have no difficulty in working with them for the advancement of the lot of all people.

9. As an outcome of historical process, people in one part of the world are too often ignorant of the profundity of thought which underlies the beliefs of the inhabitants of another part. The Bahá'í International Community therefore holds that the achievement of universal freedom of religion and belief requires dialogue among the followers of all systems (and of none), to the great enrichment of the knowledge and wisdom of humanity as a whole.

10. Here one can see particularly clearly the relevance to this freedom of the education of children and the abolition of illiteracy. People who grow up with a capacity - and the means - for the acquisition of knowledge will not fall an easy prey to the bigoted fanaticism and ignorant prejudice which lie at the root of most intolerance, whether it be based on belief, race, nation or social background.

11. One can also recognize the importance of economic and social development in this area. If a people is poverty-stricken and socially oppressed, it will not easily view with tolerance or favour the beliefs and value systems of those who live in ease and lift no hand to help them. Indeed, it is the view of the Bahá'í International Community that if all people, of whatever belief, work together for the betterment of humankind, this very collaboration will help to break down the barriers of ignorance and prejudice that divide them, and will remove the very root of religious intolerance.

12. Bahá'ís live as a minority in every country of the world and are drawn from virtually every background. They can testify from experience that the upholding of the right to freedom of thought, conscience, religion and belief is a practical possibility as well as a vital necessity for the development of the well-being of humankind at this crucial point in its history. Where there is love, unity, tolerance and idealism, a people flourishes; when it is afflicted by ignorance, prejudice, division and hatred, it sinks in a slough of unending disasters.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/6
26 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 20 of the provisional agenda

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES AT ITS FORTY-FIRST SESSION

Written statement submitted by the Bahá'í International Community, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 December 1989]

1. The Bahá'í International Community expresses its gratitude and deep appreciation to the Special Rapporteur, Mrs. Daes, for her excellent, comprehensive, and thought-provoking study that she updated and presented to the fortieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989/40 of 18 July 1989).

2. The Special Rapporteur's study points out, from the theoretical and, in particular, from the practical point of view, that the individual is a bearer of international rights and responsibilities, that she or he has a restricted procedural capacity directly under international law, and that the individual should be considered at least on a parallel with the State as a subject of contemporary international law.

3. The Bahá'í International Community recognizes the principle of the "immutable law of change", */ that everything is either growing, improving, gathering, or dispersing and dying. The Special Rapporteur clearly explains

---

*/ All unreferenced citations are from the Bahá'í writings.

in her study the evolutionary nature of international law. The Bahá'í International Community wholeheartedly agrees with the Special Rapporteur that the present stage of international law should be considered as a transitional period leading towards a new world legal order in which the individual will be called upon to play a more important role as a subject of international rights, responsibilities and duties. Humanity is rapidly approaching a new order, a world commonwealth, which calls for sufficient flexibility to respond to the growing and ever-changing needs of modern society. Recent developments throughout the world demonstrate that the present-day order will soon be rolled up, "and a new one spread in its stead".

4. The Bahá'í International Community envisages that a world commonwealth "must needs be evolved, in whose favour all the nations of the world will have willingly ceded every claim to make war, certain rights to impose taxation and all rights to maintain armaments, except for purposes of maintaining internal order within their respective dominions. Such a commonwealth will have to include within its orbit an international executive adequate to enforce supreme and unchallengeable authority on every recalcitrant member of the commonwealth; a world parliament whose members shall be elected by the people in their respective countries and whose election shall be confirmed by their respective Governments; and a supreme tribunal whose judgement will have a binding effect even in such cases where the parties concerned did not voluntarily agree to submit their case to its consideration".

5. The Special Rapporteur correctly points out in her study that unfettered national sovereignty is a concept associated with a bygone stage in the development of the world community and is not consistent with "the principles of international community interest or interdependence and of the status of the individual as a subject of international law" (E/CN.4/Sub.2/1989/40, para. 534). It is the Bahá'í view that this is but a passing phase in the process of human evolution - a social evolution "that has had its earliest beginnings in the birth of family life, its subsequent development in the achievement of tribal solidarity, leading in turn to the constitution of the city-State, and expanding later into the institution of independent and sovereign nations".

6. This process of change in international law has thus caused a partial elimination of the national sovereignty of States. Accordingly, humankind appears to be moving towards the establishment of a world commonwealth consisting of: (a) a true world legislature; (b) a binding world tribunal; (c) an effective world executive.

7. The present international system has within its ambit: (a) a <u>de facto</u> world legislative authority, divided among various law-making bodies, and (b) a <u>de facto</u> world court, divided among different international judicial bodies. The next logical step would be to enter the <u>de jure</u> stage. This will allow humankind to go beyond the inner limitations of the structure of present-day society.

8. Humankind is at present living at a special time - a time of the incubation of a world commonwealth that has as its main purpose the safeguarding of the well-being of all humankind. Such a world commonwealth represents the next step in the evolution of civilization in general, and of international law in particular.

9. The Special Rapporteur mentions in sections IX and X of her study several elements that are in accordance with the concept of a world commonwealth.

10. The formation of a future commonwealth will, first of all, require a profound consciousness of the indisputable interdependence of all the nations of the world and the oneness of humankind. Subsequently, a strong, universal animus will be required to act upon this consciousness in order to bring humanity to its next evolutionary stage.

11. The principle of the oneness of humankind "calls for no less than the reconstruction ... of the whole civilized world" and the recognition of the concept of world citizenship. This pivotal principle does not, however, "ignore, nor does it attempt to suppress, the diversity of ethnic origins, of climate, of history, of language and tradition, of thought and habit, that differentiate the peoples and nations of the world. It calls for a wider loyalty, for a larger aspiration than any that has animated the human race. It insists upon the subordination of national impulses and interests to the imperative claims of a unified world ... Its watchword is unity in diversity".

12. The Bahá'í International Community considers it essential that all energies continue to be consecrated to action proposed by the Special Rapporteur to reinforce the status of the individual in contemporary international law. The United Nations has already made positive advances in this area. As the Special Rapporteur points out in her study, further progress, however, could be made by, inter alia: (a) according the individual personality under international law, (b) granting the individual certain rights and responsibilities as a subject of international law, and (c) allowing the individual more access to international instances in order to obtain effective redress for violations of his or her rights.

13. The Bahá'í International Community wholeheartedly supports these initiatives via the community of nations.

14. The Bahá'í International Community hopes that the Commission on Human Rights will consider its comments and the general recommendations made by the Special Rapporteur and act upon the specific recommendations contained in paragraph 568 of her updated study by adopting an appropriate resolution.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/7
25 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 17 (b) of the provisional agenda

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Written statement submitted by the Bahá'í International Community, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 December 1989]

1. The Bahá'í International Community commends the activities of the United Nations during the period 1985-1989 with respect to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, and expresses its earnest support for the activities planned for the biennium 1990-1991. It notes in particular the outstanding study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8 and Add.1 and 2) submitted by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide.

2. Racism is a pernicious and persistent evil. It represents a major blight on human progress. The Bahá'í International Community believes that this invidious practice can be effectively countered only through an unshakeable and universal consciousness of the fundamental oneness of humankind, implemented by appropriate and universally upheld legal measures. Accordingly, it offers the following observations to the Commission with respect to practical measures which can further the objectives of the Programme of Action.

3. First, it addresses the issue of fostering a universal consciousness of the oneness of the human race. In the Bahá'í view, the oneness of humankind represents an organic interdependence within a corporeal social entity. This implies that the welfare of the constituent components of this body is inextricably interwoven with that of the whole. Moreover, the essential oneness of the human race is not restricted to the physical dimension; it extends to the social and spiritual aspects of human life. Through the nurturing and unfolding of man's transcendental potential, cultural diversity can begin to be viewed as the expression of this universal and basic truth. Only then can perceived racial barriers be overcome. In this regard, education is of paramount importance.

4. The Special Rapporteur states that the theories of racial superiority predicated on biological grounds have been "utterly discredited", for "they fly in the face of scientific evidence" (E/CN.4/Sub.2/1989/8 and Add.1 and 2, para. 437). However, he acknowledges that, despite the significant contribution of biologists to the elimination of "the fallacious mythology of racial superiority", social scientists should be encouraged "to explore the hidden and subconcious elements of racism and ways in which it manifests itself" (ibid., para. 445, recommendation 5). The battle against pseudo-scientific racism having been largely won, emphasis on this element of racism is now imperative if greater recognition of the social and spiritual dimensions of humanity's fundamental unity is to occur. The Bahá'í International Community fully concurs with the recommendation of the report that this task be undertaken by UNESCO in co-operation with the Centre for Human Rights and that attempts to introduce these insights into the world's education system at all levels be intensified (ibid.). Moreover, efforts should be made to expedite the preparation by UNESCO of teaching materials and aids for the promotion of human rights education, with particular emphasis on the primary and secondary levels of education.

5. In addition to such measures, a more far-reaching effort may be necessary in order to provide the proper pedagogical tools for combating racism. The Bahá'í International Community therefore recommends, as indeed it has in the past, the development and implementation in individual countries of a universal, yet culturally adaptable, curriculum for teaching the organic oneness of humankind. Once again, UNESCO may be the appropriate agency to facilitate the development of such a curriculum. In this connection, the Bahá'í International Community welcomes the decision of the General Assembly to convene, during the biennium 1992-1993, a round table of experts to discuss the preparation of teaching materials to combat racism and racial discrimination.

6. With respect to the adoption of appropriate legal measures aimed at the elimination of racism and racial discrimination, the Bahá'í International Community commends the many significant activities of the United Nations and its agencies in the past year. In particular, the new ILO Convention 169 on Tribal and Indigenous Peoples in Independent Countries, the efforts of the working group of the Sub-Commission in the preparation of the declaration of the rights of indigenous peoples and the convention on migrant workers and their families, now under negotiation, have all contributed to filling lacunae in international law with respect to the foregoing social groups. In this respect, as suggested in the report, an examination by the United Nations of the legal problems confronting minorities would also contribute significantly in the resolution of this highly controversial issue. Other important legal

activities include Mr. Eide's recommendation that "the Centre for Human Rights should accelerate its efforts to develop model laws for the prevention of racial discrimination" (ibid., recommendation 39). Such laws would provide States with voluntary standards with which national legislation could be harmonized.

7. Such a process at the national level, supplemented by a more widespread ratification of international instruments, most notably the International Convention on the Elimination of All Forms of Racial Discrimination, would provide a comprehensive legal régime for combating racism and racial discrimination. It should also be noted that declarations in accordance with article 14 of the foregoing Convention, on communications from individuals and groups of individuals, would also serve to enhance significantly the development and efficacy of the international human rights instruments and engender greater international co-operation.

8. The Bahá'í International Community has participated extensively in activities aimed at the eradication of racism and racial discrimination. It welcomed the proclamation of the Second Decade to Combat Racism and Racial Discrimination through, inter alia, the distribution of the text of the Programme of Action for the Second Decade to all its 148 national affiliates. In the intervening years, many of these communities have sponsored public meetings, conferences, summer schools, newspaper articles, radio programmes and exhibits in support of the objectives of the Second Decade. Moreover, drawing on the creative spirit of grassroots participation, Bahá'ís in a number of countries have established race unity committees, with multiracial membership, which have developed programmes to combat racial prejudice and to create bonds of mutual respect among peoples of different races in their local communities. These committees have attempted to assist Bahá'ís to free themselves of their own racial prejudices and, beyond that, to contribute to the elimination of racial prejudice in society at large through extensive collaboration with leaders in government, education and religion. Despite the inevitable obstacles encountered by the Bahá'ís in their ongoing process of eradicating racism from their communities, their experience has been a positive and unifying one.

9. The Bahá'í International Commnunity holds firmly that the constructive forces present at this stage in the social evolution of humankind are manifesting themselves with increasing intensity. It is its earnest hope that the international community will seize upon these forces and take advantage of the opportunities afforded by them: thus to realize, in the second half of the Second Decade to Combat Racism and Racial Discrimination, unprecedented victories in the face of new challenges.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/8
24 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 10 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by the Federation Internationale des Droits de l'Homme, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 January 1990]

1. 1989 was a year of great progress respecting the right of self-determination. The International Federation Internationale des Droits de l'Homme notes with satisfaction the developments in Eastern Europe, particularly East Germany, Poland, Czechoslovakia and Romania, where the people are now starting to determine their own political future. The wave of mass protests and subsequent political restructuring vividly demonstrate the desire for implementation of the collective right of peoples to freely determine their political status and freely pursue their economic, social and cultural development.

2. However, 1989 was also a year of profound contradictions respecting the right of self-determination. The Federation notes with frustration and distress that 1989 witnessed no progress with respect to the implementation of the right to self-determination of a number of peoples in Asia and Africa, notably the Tibetan people. Rather, the year witnessed a general deterioration of the human rights situation in Tibet. While world leaders gathered in Oslo, Norway, for the 10 December award of the Nobel Peace Prize

to the exiled Tibetan head of State and spiritual leader, H.H. the Dalai Lama, Chinese security forces broke up peaceful demonstrations in the Tibetan capital - physically abusing some of the Tibetan participants.

3. Since calling for "the cessation of practices which deprives the Tibetan people of their fundamental human rights and freedoms including the right to self-determination" in resolution 1723 (XVI) in 1961, the United Nations General Assembly has largely neglected the Tibetans' plight, although it continues to move ahead to implement the self-determination claims of other similarly situated peoples. Accordingly, the Federation urges the Commission to take measures to address the situation in Tibet.

4. This is a particularly propitious time for such action, as the repressive nature of China's political régime has recently been exposed. As the world is moving toward more democratic systems of government, China is regressing toward out-dated forms of control and repression. In resolution 1989/5, passed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities last August, the Sub-Commission expressed its concern about recent events in China and appealed for clemency for persons deprived of their liberty by the Chinese régime. In speeches before the Third Committee of the General Assembly last November, six nations, Canada, Costa Rica, France, Netherlands, Sweden and the United States, condemned China's violations of human rights in Tibet, which threatens the distinct religious, cultural and national identity of the Tibetan people. Clearly, the time is right for the Commission to act on behalf of the self-determination right of the people of Tibet.

5. The right of self-determination of peoples, enshrined in the Charter of the United Nations, the two International Covenants on Human Rights, advisory opinions of the International Court of Justice, and numerous and repeated resolutions of the General Assembly, is a binding, enforceable right under international law. Considered a fundamental human right as well as a prerequisite to the full enjoyment of other human rights and the promotion of international peace, the right extends to all peoples. In particular, it is to be implemented by all peoples under colonial or any type of alien domination. The right has formed the basis for the elimination of colonial régimes and is universally defended. Under this same agenda item at last year's session of the Commission, the Permanent Representative of the People's Republic of China reaffirmed that country's support of the right of self-determination, calling it the "premise and guarantee for the enjoyment of all human rights and fundamental freedoms".

6. While praising it in the abstract, however, China is denying the right to self-determination in the everyday reality of its continued occupation of Tibet. This reality is marked by systemic and gross human rights abuses, both of Tibetans individually, and of the Tibetan people collectively.

7. In previous sessions of the Commission and Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as the Third Committee of the General Assembly, extensive testimony was presented concerning the shooting of peaceful demonstrators by Chinese security forces in Lhasa, the torture of detainees, and the massive transfer of Chinese civilians to Tibet in an attempt to destroy the Tibetan nation. In March of last year, at least 256 more Tibetans were killed by police and army troops during demonstrations

in that city, according to Chinese sources (Cheng Ming, No. 139, 1 May 1989). Other credible sources estimate the number of Tibetans killed during or after the demonstrations to be closer to 800. Martial law was declared 7 March 1989 and is still in effect. According to Chinese officials, Lhasa's jails now hold more than 680 Tibetans accused of involvement in independence activities. According to a November 1989 report by Physicians for Human Rights, thousands of Tibetans have been arrested since September 1987 for political crimes; torture of Tibetan political prisoners is routine; Tibetans have died as a result of such torture; and Tibetans injured during demonstrations have been denied medical treatment. While elsewhere in the world people freely celebrated the announcement of the awarding of the Nobel Peace Prize to the Dalai Lama, over 200 Tibetans were reportedly detained and interrogated inside Tibet for expressing their joy over the event. In October, and again in December of last year, Tibetans who were peacefully marching for independence were dragged away by armed police. The arms of one monk were reportedly broken for failing to identify other alleged independent activists.

8. It is not only the violation of the individual human rights of the Tibetans that needs to be addressed, however, but rather their collective right to self-determination. As is set forth in greater detail in the written statement submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by Pax Christi International (E/CN.4/Sub.2/1989/NGO 2), the Tibetans are indisputably a separate and distinct people which possess the inalienable right of self-determination. The Tibetans inhabit a defined territory, the Tibetan plateau, which is geographically and geologically distinct from China. The Tibetan people constitute a distinct racial or ethnic group, which is different from the Chinese and possess their own language, religion, and history. Prior to China's occupation in 1949, Tibet existed de facto and de jure as an independent State, subject to no interference since 1911 and with only minimal interference during the previous centuries. In repeated protests since the massive 1959 revolt, and at great cost, the Tibetans have continually expressed their desire to govern themselves free of foreign domination. China established control over Tibet by force in 1949/1950 and maintains its illegal occupation by the continued use and threat of force. Since 1949, 1.2 million Tibetans, over one sixth of Tibet's population, have died as a result of China's invasion and occupation. From the recent outbreak of unrest, it is apparent that demonstrations are destined to continue until their cause is eliminated by the ending of China's occupation.

9. We do not believe it is sufficient to address individual human rights abuses in South Africa, because it is the very system of apartheid which is the cause of the suffering in that country. It is the system of apartheid itself which must be dismantled. Similarly, we do not believe that it is sufficient to address the individual instances of torture, executions, and mistreatment of Tibetans, because it is the violation of the Tibetan people's right to self-determination which is the cause of the human rights abuses in that country. It is the illegal occupation of Tibet by China which must be ended. The denial of the Tibetans' right of self-determination wrought by this occupation is manifested in pervasive discrimination against Tibetans in all facets of daily life, including housing, employment, education and health care. Of most concern is the Chinese Government's policy of encouraging Chinese to relocate onto the Tibetan plateau. This population transfer policy threatens the survival of the rich and ancient culture, religion and national identity of the Tibetan people.

10. The United Nations and members of the international community have individually recognized and supported the self-determination claims of many different peoples, who, like the Tibetans, expressed their desire for freedom. Such support has not been limited to countries attempting to free themselves from colonial domination. Through United Nations auspices, the Namibian people are in the process of gaining the independence that is rightfully theirs; the General Assembly Committee on Decolonization is addressing the rights of the people of East Timor.

11. 1989 ended with the people of the Eastern European nations, choosing, for the first time in over 40 years, their own leaders and system of Government. We ask that 1990 begin with efforts to enable the Tibetans to do the same. To that end, we respectfully request the Commission to call upon China to respect the Tibetan people's right to self-determination in accordance with General Assembly resolution 1723 (XVI). We also request that the Commission appoint a special rapporteur to investigate the human rights situation in Tibet and to report his or her findings to the Commission and to the General Assembly.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/9
24 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 13 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Minority Rights Group, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 January 1990]

1. Discrimination against Tibetans in Tibet (which includes the Tibet Autonomous Region (TAR) and areas designated as Tibetan autonomous prefectures, districts or counties 1/ in Quinghai, Gansu, Sichuan and Yunnan provinces) is a very serious problem. It is an important cause of the deteriorating situation in Tibet and aggravates the growing tensions between Chinese and Tibetans.

2. On the Tibetan plateau, the native Tibetan population and the Chinese immigrants who have arrived since 1949 are developing as two distinct, separate and unequal communities. In what appears to be a deliberate policy sanctioned by the Government in Beijing, the Tibetans are increasingly being pushed to the periphery of political, social, economic and even cultural developments in Tibet. This is done through policies that promote a large influx of Chinese administrators, troops, technicians, teachers, workers and settlers, and through measures that provide more favourable treatment to these Chinese immigrants than to the native Tibetans.

3. This policy constitutes a violation of the International Convention on the Elimination of All Forms of Racial Discrimination, which the People's Republic of China ratified in 1982. It also deprives the Tibetan people of their right to self-determination, recognized in General Assembly resolution 1723 (XVI).

I. THE POPULATION TRANSFER

4. Although there is disagreement about the number of Chinese that have settled in Tibet since the occupation in 1949-1950, no one denies the large-scale movement of Chinese to Tibet, especially to the eastern and north-eastern Tibetan autonomous prefectures, districts and counties bordering on the TAR. Whereas only two to three hundred thousand Chinese lived on the Tibetan side of the border with China before 1949, Tibetan sources put the number at over 6 million today, while Chinese statistics tally 3.5 million. The Government claims that only 73,000 Chinese live in the TAR, but most visitors to Tibet consider that from several hundred thousand to perhaps more than a million Chinese live in the TAR. Former Chairman Deng Xiaoping has confirmed the existence of a population transfer policy, arguing that the TAR needs Chinese immigration as Tibet's own population is "inadequate to develop (the region's) resources". 2/

5. The issue here is not just the numbers, but rather the impact that the settlers are having on the life and culture of the Tibetans. The real tragedy is that the Tibetans, the original inhabitants, are rapidly being turned into an insignificant and second-class minority in their own country.

II. PATTERNS OF DISCRIMINATION

A. Housing

6. Most urban areas in Tibet provide a stark contrast between new and relatively well-equipped quarters for Chinese settlers and rundown, primitive housing in the segregated Tibetan sector. Most Tibetan towns are surrounded and even dwarfed by expansive Chinese sectors having walled compounds with running water and electricity. Tibetan quarters often lack running water or reasonable sanitation. 3/ In larger towns both sectors have electricity, but for Tibetans it is often rationed. In smaller towns and villages there is generally no electricity at all, unless they lie along a major highway and contain a Chinese compound.

B. Freedom of movement

7. While it is extremely difficult for Tibetans to obtain permission to change their place of residence within Tibet, Chinese are encouraged to move from Chinese provinces to Tibet. 4/ Efforts to accommodate Chinese migrants are visible in urban centres such as Lhasa, Chamdo and Shigatse. Tibetans wishing to move to these towns, often looking for employment, are prevented from doing so. The limitation on their freedom of movement even within Tibet has the effect of critically restricting Tibetan participation in economic development, largely confined to urban centres. 5/

8. Under the martial law orders issued on 7 March 1989, Lhasa residents must carry identification papers at all times and their freedom of movement and

assembly is severely curtailed. Reports indicate this measure applies only to Tibetans. All Tibetans without residence permits were forcibly removed from Lhasa on 21 March, but no Chinese were made to leave. 6/

C. Education

9. There is a marked difference in the quality of education provided to Chinese and to Tibetan children. Chinese and Tibetan streams are separate and facilities are mostly segregated: both teachers and facilities in Chinese classes and schools are clearly superior. Official statistics put the literacy rate among Tibetans at 25 per cent, compared to 77 per cent for China. 7/

10. Article 37 of the 1984 Law on Regional Autonomy for Minority Nationalities requires schools in which a given minority predominates to use their language. In practice, education in Tibetan is largely confined to elementary schools and any modern or higher education is provided in Chinese. The authorities acknowledge that "(e)xcept for the Tibetan language classes, all courses are taught mainly in Chinese in middle and high schools (in the TAR"). 8/ While Tibetan pupils must learn Chinese, Chinese pupils need not learn Tibetan, in violation of the widely advertised decision to make Tibetan the official language of the TAR. 9/

D. Employment and economic development

11. The higher status and better paid jobs are filled predominantly by Chinese, as most gainful employment requires a high level of written and spoken Chinese. In addition to causing extensive unemployment among Tibetans in urban areas, it has downgraded their overall level of participation in society. The problem is particularly acute in eastern Tibet, Kham and Amdo 10/ where the Chinese already greatly outnumber the Tibetans.

12. Chinese can be paid two or three times more than Tibetans for the same job within the same work unit, and get many other benefits denied to Tibetans. When it comes to establishing an independent business, Chinese get loans and preferential treatment to set up shops and stalls. The result is a striking proliferation of Chinese entrepreneurial concerns and the gradual disappearance of Tibetan businesses. 11/

13. In its February 1988 report, AsiaWatch concludes that:

"The impression ... is of a studied discrimination designed to integrate Tibet as much as possible into the economy of the PRC by emphasizing and giving special consideration to the role of Chinese in the region's economic development."

E. Health care

14. Most hospitals segregate Tibetan and Chinese patients, and medical care is available primarily to Chinese residents and Tibetan cadres. 12/ In villages where only Tibetans live, there is little or no medical care.

15. Treatment given to Tibetan patients is felt to be inferior, and eyewitnesses report that many Tibetans injured during March 1988 and earlier demonstrations were refused medical treatment at the People's Hospital in Lhasa, whereas wounded Chinese were treated. 13/

16. The population transfer and discrimination policies overlap in the area of family planning. While the Government has stated that restrictions on family size do not apply in Tibet, because of the need to build up the population and develop the economy, 14/ Chinese authorities today strictly implement a two-child-per-family policy for Tibetans yet encourage Chinese settlement in Tibet. There are more and more allegations of Tibetan women being pressured or even forced to submit to abortion and sterilization, and of infanticide in State hospitals.

F. Destruction of Chinese property in protest

17. Before March 1989, Tibetans demonstrating for self-government acted in an entirely peaceful manner until shooting by police and military units induced rock-throwing in self-defence: several hundred unarmed Tibetans have been killed (see E/CN.4/1988/22; E/CN.4/1988/NGO 58; E/CN.4/1989/15, 25 and 44). At least 256 more were killed in March 1989. Still, with the exception of government vehicles and video equipment used to film and later identify demonstrators, there had been no deliberate attacks on Chinese property. However, on 6 March 1989, deliberate damage to a small Tibetan restaurant by Chinese armed police provoked Tibetans to attack Chinese shops and burn their contents in the street in protest. The shops had been recently built by the authorities to accommodate the latest wave of Chinese settlers. This indicates a dangerous level of resentment among Tibetans, who realize they are being displaced by the continuous arrival of favoured economic migrants.

G. The role of official authorities

18. The Chinese Constitution of 1982 (art. 4) prohibits discrimination. The Autonomy Law of 1984 provides for equal treatment of Chinese and "minority nationalities" and contains numerous provisions to protect minorities. Since Tibetans are held to be a "minority nationality" of the PRC, the provisions of Chinese law should be applied to them. In practice, however, officials do not apply these laws in Tibet.

19. Whereas a measure of self-government is provided for in the Autonomy Law, Tibetans in the TAR and autonomous prefectures, districts and counties exercise little authority. Although some Tibetans hold government posts of nominal importance, real power is vested in the Communist Party and the military, both of which are overwhelmingly Chinese. 15/

20. Articles in official Chinese publications and statements by Chinese Government officials and diplomats make denigrating references to the "backwardness" of the Tibetan people and the need for the Chinese to "elevate" the cultural level and degree of civilization of the Tibetans. This is reminiscent of colonial régimes that invoke the need to develop and civilize "backward" people to justify their policies. It reinforces Chinese feelings of superiority about their race, civilization and culture. Numerous visitors to Tibet have publicly expressed shock and dismay at the way Chinese officials and settlers treat the Tibetans. 16/

21. In conclusion, Tibetans are consistently being deprived of their basic rights and treated as second-class citizens in their own country by the Chinese. The evidence suggests that the authorities in Tibet and the central Government in Beijing acquiesce in this discriminatory treatment and in certain cases encourage and support it.

Notes

1/ Gannan, Haibei, Huangan, Hainan, Guoluo, Yushu, Aba, Garze and Degen Autonomous Prefectures, other districts and counties.

2/ Chairman Deng Xiaoping during meeting with President Carter, Beijing, Reuters, 30 June 1987.

3/ AsiaWatch, Human Rights in Tibet, Washington D.C., 1988, p. 46.

4/ Whereas Chinese require permanent residence permits to set up a business in Chinese provinces, they can do so in Tibet without any permit. Dreyer, "Social Unrest on the Rise", China Review, May 1989.

5/ AsiaWatch, pp. 46-48.

6/ South China Morning Post, Hong Kong, 22 March 1989, quoting People's Daily, 21 March.

7/ China Daily, Beijing, 7 March 1988.

8/ "Culture, Education and Health Care: A Dialogue on Tibet" (V), Beijing Review, 7-13 December 1987, p. 24.

9/ The Economist, London, 8 August 1987.

10/ Tibet's eastern and north-eastern provinces, now mostly incorporated into the divisions mentioned in footnote 1.

11/ International Alert, Tibet in China, London, 1988, pp. 18-20.

12/ Human Rights Violations in Tibet, a report commissioned by the Parliamentary Human Rights Group, London, 1988, p. 13.

13/ "Amnesty Action", January/February 1989, p. 5; J. Pomfet, Associated Press, 7/III/89.

14/ See "Tibetans Healthier, Better Educated" Beijing Review, 15/X/84, p. 11; Questions and Answers About China's National Minorities, Beijing, 1985, p. 61.

15/ The Tibetans, Minority Rights Group, London, 1983, pp. 6, 12 and 19.

16/ Lord Ennals, public statements 1988; John Fraser, The Chinese, Sutton, 1980; T. Tersey, "One month in Tibet", From Liberation to Liberalisation, Dharmsala, 1982; A. Rumbold, Sunday Telegraph, 20 November 1988; J. Billington, Tibetan Review, New Delhi, April 1989.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/10
25 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 13 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Liberation, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 January 1990]

The human rights situation in East Timor

1. This organization has been deeply troubled by human rights abuses in East Timor for many years and warmly welcomes the resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session (resolution 1989/7) recommending that the Commission consider the human rights situation and fundamental freedoms in East Timor at its forty-sixth session.

2. The organization therefore considers it its duty to inform the Commission of recent developments in East Timor, especially prior to and following the Mass celebrated by Pope John Paul II at Taci Tolu, near Dili, on 12 October 1989. It will first describe the latest abuses and then summarize reports of abuses occurring in the 12-month period before the Mass.

Developments since 12 October 1989

3. The Mass celebrated by Pope John Paul II was marked by a demonstration by dozens of people who unfurled banners in favour of independence. Those involved were certainly aware of the risks, in view of the intense security precautions surrounding the Mass. The efforts by security forces to quell the demonstrations were graphically reported in the world's media.

4. On 13 October, Bishop Belo, head of the Catholic Church of East Timor, told contacts in Australia by telephone that 40 demonstrators had been arrested and were being tortured and beaten by the military to extract confessions that would implicate the Church. He said:

> "I am shocked that the military is extracting false confessions under torture. The boys were trying to express their discontent with the situation in East Timor. It is a lie that the Church is in any way involved in the demonstration."

5. While these arrests were under way, 28 young people took refuge in the bishop's residence and remained there for several weeks, the first time that the Church had given sanctuary to so many people. These developments confirmed reports by several foreign journalists who had visited the territory on the occasion of the Pope's visit that East Timor was "in the grip of fear".

6. On 4 November, a demonstration took place outside Bishop Belo's residence in an attempt to intimidate him into forcing the sanctuary-seekers to leave. Others demonstrated in support of the bishop. Video shots taken by the security forces at the Mass helped them to identify some of the pro-Belo demonstrators as people who had unfurled banners at the Mass.

7. On 5 November, a number of people were arrested. Some are students of São José Catholic high school in Dili. They were tortured with electricity and severely beaten. Shortly afterwards, the 28 people taking sanctuary with the bishop left his residence, eight of them were immediately arrested.

8. On 15 November, a unit of soldiers armed with bayonets, reinforced by military police and four platoons from Battalion 744, surrounded the São José school and made a forced entry to carry out a search of the premises. They were apparently searching for four people connected with the school who had gone into hiding. When students tried to prevent this forced entry, the troops let off three volleys of gunfire. A student who was discovered in the school toilets was beaten so severely that he fainted. Several students fled from the school; one informed the bishop that the school was under attack, whereupon he went to the scene to intervene.

9. It is not clear how many arrests followed this unlawful armed assault on the school but, fearing a further wave of arrests, as many as 30 people took

refuge in the bishop's residence. The bishop subsequently told a Portuguese journal that these sanctuary-seekers had also left [Expresso, 6 January 1990]; the circumstances of their departure are not clear.

10. On 10 December, someone outside the bishop's residence, believed to be a taxi-driver, was kidnapped.

11. According to information from a variety of sources, there were in mid-December 1989 at least 20 people under arrest in Dili. They are mostly students from São José school and probably also from the Fatumaca Catholic school, Baucau. The actual figure could be much higher; there are a number of places being used in Dili for custody and interrogation to which local and outside observers do not have access. These include a guest-house, the headquarters of the district military command, the headquarters of Kopassus, the elite para-commando force and at least three private residences.

12. Summing up, in the last quarter of 1989, in addition to those still in custody, many dozens of Timorese were taken into custody and tortured to extract information, as part of an operation to round up all those alleged to have been involved in the 12 October demonstration.

13. According to once source, eight of those now under arrest are due to be brought to trial in January 1990. Previous trials in East Timor have taken place under conditions which violate Indonesia's own Criminal Procedures Code; defendants have had no access to defence lawyers of their choice.

14. Apart from these 12 October-related detainees, there are five convicted political prisoners in Dili's Becora prison and six in Cipinang prison, Jakarta. This information was given to the Australian ambassador during a visit to Dili in October 1989. [See letter to ACFOA from Australian Foreign Minister, Senator Gareth Evans, 23 November 1989.]

15. No information is available about political detainees being held in local army command headquarters throughout the country.

Abuses in the 12-month period before the Pope's visit

16. In late 1988, many reports were received of human rights violations in East Timor. There was a wave of arrests around the time of President Suharto's one-day visit to Dili on 1 November 1988. Although most were released after being held for short periods, their treatment under detention prompted Bishop Belo to complain in a pastoral letter on 5 December that many "were slapped, beaten and tortured", a method which, he said, had become routine in Timor. "We oppose this barbaric system and condemn the lying propaganda according to which human rights violations do not exist in East Timor".

17. On 16 February 1989, the bishop wrote to the Papal Nuncio in Jakarta to inform him of the summary execution of two people by troops of Battalion 726 in Dilor-Lacluta on 31 October 1989, the beating of seven villagers by troops of the same battalion, as well as summary executions in Ossu (four persons), Lacluta (five persons), Viqueque (one person) and Gariwai-Baucau (two persons). Clandestine sources put the number executed in Gariwai-Baucau at 20 and gave details of four other executions in Zumulai, near the border

with West Timor, at the end of 1988. This source also said that troops of Battalion 328 had killed 20 Timorese alleged to have been in contact with the armed resistance.

18. From April to June 1989, many arrests took place in Baucau, Dili and elsewhere. An East Timorese student studying in Bali was also arrested, as a result of which six others, fearing for their safety, sought asylum in the Japanese and Vatican embassies in Jakarta. Several lists of persons taken into custody from April to June 1989 were received, including a list of 25 detainees compiled by Bishop Belo. The detainees had been "tortured, hit, beaten, burnt with cigarettes and given electric shocks". The bishop also wrote that "Colonel Bimo, chief of intelligence of Koopskam [the special security command for East Timor] has confirmed that these prisoners and detainees have been taken into custody in the interests of the Pope's security".

19. Mr. H.J.C. Princen, chairman of the Indonesian Institute for the Defence of Human Rights, wrote three times to the commander-in-chief of the Indonesian armed forces in June 1989 about the many reported arrests and executions in East Timor, asking for an invesigation. The letters were not answered, though Mr. Princen was called in for questioning by the army.

20. On 6 October 1989, Mr. Princen again wrote to the armed forces commander-in-chief, giving details of 26 executions since November 1988 and again calling for an investigation. This letter has also remained unanswered.

21. In view of mounting concern about conditions in East Timor, Mr. Princen was accredited by the Regional Council on Human Rights in Asia to present a statement to the forty-fourth session of the United Nations Sub-Commission for the Prevention of Discrimination and Protection of Minorities; he was refused permission to leave Indonesia for this purpose.

Conclusions

22. The human rights situation in East Timor has further deteriorated since the Sub-Commission adopted its resolution 1989/7 on 31 August 1989. Liberation therefore urges the Commission:

(a) To call on the Indonesian authorities to halt the abuses;

(b) To increase pressure on Indonesia to allow international human rights organizations to visit East Timor and send observers to any political trials held there;

(c) To undertake a special investigation of the situation in East Timor.

23. Finally, it urges the Commission to place East Timor on its agenda for annual consideration in order to keep the situation under constant review.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/11
22 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 22 of the provisional agenda

MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communicaton, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[13 December 1989]

1. The Women's International Democratic Federation reaffirms its statement submitted to the United Nations Commission on Human Rights at its forty-second session on the pertinent item of the agenda.

2. The Federation is highly concerned about increasing Nazi, Fascist and neo-Fascist tendencies and activities in a number of countries and feels the need to draw public attention to the serious threat they pose to international security and the peaceful co-operation of nations. In this forty-fifth year after the smashing of Hitlerite facism and Japanese militarism, every effort should be made to destroy nazism, fascism and neo-fascism, root and branch.

3. In this context, WIDF underlines the necessity to pay constant attention to educating the young generation in a spirit of respect for international law and fundamental human rights and freedoms and against fascist, neo-fascist and other totalitarian ideologies and practices based on terror, hatred and violence.

4. WIDF calls upon the United Nations and the Commission on Human Rights to increase their activities in this regard.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/12
22 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 17 (b) of the provisional agenda

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[22 December 1989]

1. WIDF reaffirms its intention to do its utmost, in close co-operation with its national affiliates, to mobilize for the strict implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

2. WIDF endorses the appeal made by the United Nations Commission on Human Rights at its forty-fourth session to unite and co-ordinate all activities in the struggle against racism and apartheid.

3. WIDF supports the appeal made by the United Nations Commission on Human Rights at its forty-fifth session to increase and intensify the activities of international and non-governmental organizations to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of those evils.

4. WIDF expresses its deepest appreciation for the great attention paid by this United Nations body to the plight of victims of racism and racial discrimination and to the need for strengthening assistance to them, and for the fact that this item is again being given consideration at the forty-sixth session of the Commission on Human Rights.

5. WIDF expresses its deep concern about the serious situation in southern Africa, in particular in South Africa and the frontline States of Angola and Mozambique. The victims of South Africa's policy of apartheid and destabilization are mostly women and children.

6. WIDF states that apartheid is a crime against humanity. Apartheid has no legitimacy. Apartheid cannot be reformed, apartheid must be eradicated.

7. WIDF welcomes the electoral success of SWAPO/Namibia in the first free and democratic elections in Namibia's history for an independent Namibia.

8. WIDF strongly supports the further promotion and continuation of the process of independence in Namibia on the basis of United Nations Security Council resolution 435/78 and other international documents leading to a free and independent Namibia in 1990.

9. WIDF is convinced that the democratic developments in Namibia will give an impetus to peace-loving and democratic forces for necessary changes in South Africa itself and for the whole region.

10. WIDF is using all available opportunities (congresses, conferences, etc.) to inform the United Nations and the world public about violations of social and political rights of women in southern Africa in general and in Namibia and South Africa in particular.

11. WIDF focused on the situation of women and children in that region and the disastrous consequences of the policy of apartheid and destabilization in, for example,

- the Seminar on the special needs of South African and Namibian refugee women and children, Harare, 16-18 January 1989
- the WIDF Bureau Meeting, Berlin, 15-17 March 1989
- the WIDF Council Meeting, Sofia, 12-15 September 1989

WIDF will support the Malibongwe (ANC Women's Conference) to be held in Amsterdam, January 1990.

12. In special publications (the magazine Women of the Whole World, circular letters, messages), WIDF has called for moral and material solidarity with the ANC Women's Section and the SWAPO Women's Council and for pressure to be exerted through WIDF member organizations on Governments to end the hated apartheid régime in South Africa.

13. The WIDF Bureau has decided to open a special solidarity fund to help women and children suffering under imperialist aggression.

14. In co-operation with some of its member organizations, WIDF intends to send a delegation to Namibia in 1990 to study carefully the present situation of women and children and to inquire into the possibility of setting up a multipurpose centre for Namibian women (decided at the WIDF Council Meeting in Sofia, and part of the WIDF plan of action 1990/91).

15. WIDF supports all initiatives for the promotion of the rights of women and children who suffer from the inhumane practices of apartheid (see "Nairobi forward-looking strategies for the advancement of women", para. 259/1).

16. WIDF urges the Commission on Human Rights to assert its authority to halt the racist régime's flagrant violation of human rights, and of the rights of women and children in particular.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/13
25 January 1990

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 6 of the provisional agenda

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 January 1990]

1. The Women's International Democratic Federation (WIDF) expresses its concern about the unchanged grim situation in South Africa.

(a) The state of emergency has been renewed for the fourth consecutive year.

(b) Since the imposition of the state of emergency, 32,000 persons, including women and children, have been detained.

(c) There is also an increase in the number of prisoners on death row.

(d) Destabilization of neighbouring States has claimed the lives of 1,500,000 persons, including 150,000 children, in the past nine years.

(e) South Africa has caused economic damage estimated at $US 60 billion in Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe.

(f) South African commando-style operations, invasions and armed clashes in Angola and Mozambique killed more than 500,000 people, including women and children, between 1980 and 1988.

(g) Due to the collapse of the health system in the front-line States, 925,000 children did not live to be five years old.

(h) One and a half million people, including women and children, in the region have been forced to leave their homeland.

(i) In Mozambique, 100,000 people, including women and children, have died and 1,000,000 people, including women and children, have been displaced due to the war of destabilization by South Africa.

(j) According to the Office of the United Nations High Commissioner for Refugees, the number of Mozambicans arriving at refugee camps in eastern Zimbabwe has risen from 10,000 to 85,000 in the last 12 months.

2. WIDF appreciates the United Nations special session on apartheid in December 1989, on "Apartheid and its destructive consequences in southern Africa".

3. WIDF notes with satisfaction the release of Mr. Walter Sisulu and seven other political prisoners.

4. WIDF appeals to the forty-sixth session of the United Nations Commission on Human Rights to:

(a) Strengthen the campaign for the release of Mr. Nelson Mandela and all other South African political prisoners and detainees;

(b) Lift the ban on mass organizations;

(c) Pressurize the Pretoria régime to lift the state of emergency.

5. WIDF reiterates its commitment to continue its efforts in the struggle to put an end to apartheid and to stop the destabilization of the front-line States.

6. WIDF calls upon the international community to intensify measures, including mandatory sanctions, for the complete isolation of the Pretoria régime.

7. WIDF notes with great satisfaction that in November 1989 the people of Namibia went to the polls and participated in the first ever national election in their country, with the United Nations-supervised process for the decolonization of Namibia which began in April 1989. In addition, the winning of the election to a constituent assembly in Namibia is a victory welcomed by the WIDF and all its national affiliates.

8. WIDF appeals to the current session of the Commission on Human Rights to take and support all possible necessary measures aimed at putting an immediate end to the massive violation of human rights in southern Africa.

9. WIDF assures the Commission on Human Rights of its full support and co-operation in this regard.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/14
25 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 4 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 January 1990]

1. Since the last session of the Commission, the deterioration of the human rights situation in the West Bank and the Gaza Strip, Palestinian territories occupied by Israel since June 1967, has been dramatic and the violations of human rights have reached alarming proportions.

2. The systematic and widespread repression used by the occupying Israeli forces has become the daily lot of the whole of the Palestinian population, regardless of age. This policy, which goes against international conventions, constitutes a challenge for the international community, which on several occasions has condemned the fact that the Israeli authorities have resorted to massive repression and inhuman practices in the hope of subduing the Intifada - a popular uprising against the occupation which started on 8 December 1987.

3. The World Federation of Trade Unions and the organizations affiliated to it draw the attention of the Commission to the following facts.

(a) In the territories occupied by Israel, the most basic human rights continue to be knowingly and voluntarily violated on a daily basis by the Israeli occupying forces. Repression has become a routine and murder a part of everyday life.

(i) Each week, dozens of Palestinians are killed or wounded after being shot. That is the result of the intensive use of firearms by the occupying forces. According to the Federation's information, 384 Palestinians were killed in the period between 8 December 1988 and 8 December 1989 (including 134 people in the Gaza Strip), people who died after being shot, tortured or after inhaling toxic gases directed right at the faces of the demonstrators by the occupying forces.

(ii) The orders carried out by the guards - border guards and other "specialized" units of the occupying army - are to kill more Palestinians. The soldiers can, from now on, open fire on anybody wearing a mask. They shoot with military ammunition, and the so-called "rubber bullets" are in fact only steel bullets covered in a thin layer of rubber.

(iii) The international press reports that an ever-increasing number of Palestinians are being killed in cold blood. On 19 August 1989, a young Palestinian was shot in the middle of the town of Bethlehem, shot with a revolver at point-blank range by two Israeli secret service agents disguised as tourists. At the end of August 1989, two other young Palestinians were found dead, having been shot at short range.

(b) Another piece of evidence showing the escalation in the violation of human rights is the high number of Palestinians wounded. During the first two years of the Intifada, about 52,000 Palestinians were seriously injured, 1,900 in the period between 9 December 1988 and 8 December 1989. Amongst the latter, 9,000 were shot, 6,750 were beaten and 3,250 suffered the effects of toxic gases. Thirteen hundred injured became disabled as a result of their wounds. In the Gaza Strip, 498 Palestinians became totally or partially disabled, 52 of whom lost an eye or became blind. The Israeli army prevents medical care and emergency treatment from being given to the injured lying on the ground. This essentially explains the high number of amputations and irreversible injuries amongst the Palestinians.

(c) Amongst the victims of the violations of human rights, Palestinian children constitute a favourite target for the brutality and the cynicism of the soldiers in the Israeli army, who are becoming more and more trigger-happy.

(i) During the first two years of the Intifada, 34 per cent of the Palestinians killed were under 18 years old, and 83 of them under 13. There is an obvious willingness to kill children, many of whom have been shot in the back, in the head or in the region of the heart, as was the case in July 1989 with Oussama Abou Ghamima (3 years old). During the month of August 1989, 12 children were

killed, including Youssef Ghazi Salaman (8 years old), shot in the heart. According to UNRWA data, 960 people were injured in the Gaza Strip in the period between 16 and 29 August 1989, 30 per cent of whom were under 14 years old. A 6-year-old child seen in Naplouse covered in bruises and with a fractured femur told journalists, "a solider knocked me over onto the ground and then jumped, with both feet together, on my leg".

(ii) In spite of the commitment made by the heads of the Israeli armed forces to protect the injured, special Israeli forces often burst into the hospitals, pulling an adolescent or an injured child from their bed. The victim generally disappears in one of the occupier's numerous camps or dungeons.

(iii) Furthermore, reliable sources indicate that there are at least 1,000 children under 15 years of age among the Palestinian prisoners of the Intifada.

(d) Over the last 12 months, the occupying Israeli authorities have continued to carry out arbitrary arrests and massive administrative detentions. According to the Federation's sources, over 50,000 Palestinians have been detained since the beginning of the Intifada, 29,000 of them in the Gaza Strip alone.

4. The number of detainees is at present estimated to be between 13,000 and 14,000 by the International Committee of the Red Cross (ICRC). These detainees are locked up in detention centres in particularly inhumane conditions. In the majority of cases, families are not informed about these arbitrary arrests, which are sometimes similar to the Latin American-style "disappearances". The ICRC delegates who try to establish contact with the detainees constantly come up against the refusal of the occupier to establish the place of detention, thereby violating the Geneva Conventions which stipulate, expressis verbis, that every prisoner has the right to have visits, letters and medical care. Evidently, the occupier considers that the anguish inflicted on a family with the disappearance of a child is a "legitimate" additional sentence.

5. Some of the detention centres are still situated in Israel, like the Ketziot prison (Ansar 3) of the Negev desert, which is contrary to international law and, in particular, to the 1949 Geneva Conventions governing the conditions of military occupation, which forbid the powerful occupier to imprison the inhabitants of the occupied territory outside that territory.

6. Determined to continue its policy of mass arrests of Palestinians, the general command of the army has already provided for the creation of a new detention centre in the West Bank, which should be able to hold up to 4,500 detainees. At the same time, work is under way to increase the capacity of the "Ansar 3" detention centre.

7. Furthermore, on 11 August, the occupation authorities began to reinforce the repressive machinery in the occupied territories. Imprisonment without trial - administrative detention - is from now on for a period of one year,

and no longer only six months. According to the declarations of Israeli organizations for the defence of human rights, this decision constitutes "a further erosion of the basic right of any individual to have a trial before being condemned".

8. It should be pointed out that administrative detention is inherited from the British regulations of exception of 1945 (Emergency Defence Regulations) and is used by the Israeli military authorities as a form of repression against the Intifada. This measure can be taken on the mere decision of a commander, who only needs to be informed of "reasons of security" for doing so. As for its form, it should be ratified by a military tribunal, but there is no trial: the accused and their lawyer have no access to the file and cannot be told the names of the military officials who accused them. The military authorities justify the procedure by arguing that a public trial would endanger their "sources" in the occupied territories.

9. Another regular violation of the Geneva Convention concerning the protection of the civilian population under foreign occupation is the use of "collective punishments". The "collective punishments" conceived by the occupying authorities in order to try to put down the Intifada are numerous: closure of schools and universities, destruction of houses, harvests and trees, introduction of prolonged curfews in towns and whole regions, etc.

10. The Palestinian universities in the occupied Palestinian territories are still closed, on the orders of the Israeli military authorities, thereby depriving about 15,000 students of their classes. The schools were only authorized to reopen after 19 months of closure. Their reopening was due to international pressure and the many protests at the depriving of some 320,000 children of their right to an education. Nevertheless, newly opened schools are closed straight away, on the pretext that the pupils throw stones at Israeli soldiers. Thus, 18 schools were closed again from the second half of November 1989 onwards. In Nablus, between October and December, pupils had only two days of classes. It was a deliberate attempt by the occupying forces to destroy the system of education in the occupied Palestinian territories and to render it useless. Even home education is subject to heavy sanctions: 10,000 shekkels fine ($US 500), prison and dismissal. In order to terrorize a people, it it not enough to kill, mutilate, beat to death, humilate and plunder the civilian population whose land is coveted. It is necessary to crush their capacity to resist with even more definitive methods. The Israeli occupiers are applying themselves cynically and systematically to this task. Nowadays it is forbidden, and punishable with prison, to teach a 6-year-old child to read and write.

11. The destruction of houses is a common occurrence. Several houses are either dynamited or demolished every week. According to the Justice and Peace pontifical commission, 806 houses were destroyed in the occupied territories by the Israeli authorities in the first 18 months of the Intifada, leaving 8,000 Palestinians homeless. Of these 806 houses, 706 were dynamited by the occupation authorities, 55 sealed or bricked up and 45 destroyed because they stood beside a dynamited house. In justification of these shocking reprisals, the occupation authorities cite "reasons of security" and the fact that there were no building permits.

12. However, a child need only be suspected of throwing stones at Israeli soldiers for his or her family's house to be dynamited. And, as regards the lack of building permits used as a justification for destroying many houses, this is of a political nature and is used to intimidate.

13. Total and lengthy curfew is another form of collective punishment used against the Palestinians of the occupied territories. It has been resorted to many times during the last year against the whole population of the Gaza Strip. It serves both as a collective punishment and as an alibi behind which to hide violent acts of repression from convincing witnesses such as journalists and foreign diplomats.

14. For 40 days from 21 September, the town of Beit Sahour (population: 11,000) in the West Bank was declared a military zone for "operational reasons", and subjected to a complete blockade. It was unashamedly ravaged. The Israeli soldiers displayed exceptional brutality. They burst into houses, beating anyone who tried to resist, smashing doors and throwing tear gas grenades. Tons of goods and belongings were seized: industrial stock, shop stores, individual belongings such as furniture, carpets, kitchen equipment, television sets, etc. Some shops were completely emptied by the army.

15. The pretext used to justify this was that the population of Beit Sahour refused to pay the exorbitant taxes. However, it was really in order to intimidate and terrorize Palestinians who dared to offer peaceful resistance against the occupation. Indeed, the Israeli defence minister, Itzhak Rabin, has even said that he wanted to teach the inhabitants of Beit Sahour a lesson and would not let the uprising win, even if it meant the Israeli army imposing a curfew for two months.

16. Even agriculture is not spared. Every week, hundreds of lemon, orange and olive trees are systematically uprooted or cut down. On 24 September 1989, 300 olive trees were destroyed in the village of Beit Sira (Ramallah) because stones had been thrown at soldiers.

17. The Israeli occupation authorities show their usual complete disdain for human rights law. From the Government to the sergeant in the army, from judges to jailors, they show total contempt for the Geneva Conventions. Although these conventions forbid mass or individual forced transfer outside occupied territories for whatever reason, the occupation authorities are still deporting Palestinians. Amongst other things, this is a serious indication that Israel accords little importance to the international community or to the United Nations Security Council resolutions, of which resolution 607, adopted unanimously on 5 January 1988, called on Israel to refrain from deporting Palestinian civilians from the occupied territories. Since the beginning of the Intifada, 61 Palestinians have been deported. On 29 June 1989, the Israeli authorities banished eight Palestinians - four from Gaza, four from the West Bank - some of whom were trade unionists, others students, employees or shopkeepers. On 24 August 1989, another five Palestinians were banished, despite international protest. They were: Majed Abdallah El Labdi; Ouda Youssef Maali; Bilal Azizeddin Eshakhshir; Mohamad Abduljalil El Mtour; Tayssir Arouri.

18. The increased violation of human rights in the occupied Palestinian territories has also affected trade union activists, who are being held in detention, subject to banishment orders, etc. On 22 April 1989, the occupation forces attacked the headquarters of the General Federation of Trade Unions - Nablus. They broke down the doors of the offices of the following trade unions: Union of Building Workers; Union of Public Service Workers; Union of Clothing Workers. They took away some archives and destroyed the rest. Trade unionist Majed Abdallah El Labdi was banished on 24 August and, more recently, the occupation authorities arrested trade unionist Mahmoud Ziada.

19. The World Federation of Trade Unions calls on the Commission and all the United Nations Member States to take immediate strict measures to force the Israeli Government to stop violating the human rights of the Palestinian people and respect their universally recognized and inalienable national rights.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/15
25 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 5 of the provisional agenda

QUESTION OF HUMAN RIGHTS IN CHILE

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 January 1990]

Introduction

1. The latest developments confirm the need to distinguish two aspects in the situation of Chile. In the first place, a recovery has been seen in the social dynamics, in which the democratic forces have made great progress towards the normalization of the political life of the country. The referendum of 5 October 1988 was a landmark that made the opening up of the régime possible: it marked a gradual and appreciable improvement in the freedoms being gained by citizens. The same significance and far-reaching consequences cannot, however, be attributed to the plebiscite of 30 July 1989, because the changes to the Constitution ratified on that occasion left untouched a series of points which needed to be modified. In the second place, in spite of what has just been said, it is essential to point out that the repression used by the military, even if it is not at the same level as it was previously, is still alarming.

Violation of Human Rights

2. In order to examine this point, it is useful to examine separately and methodically the different aspects of the behaviour of the military régime in this field, based upon available information. Meanwhile, at WFTU, through a few examples, an attempt is made, under the following headings, to show how these violations have affected trade union leaders and/or ordinary workers:

- Deaths,
- Unsuccessful attempts at homicide,
- Arrests and subsequent disappearance,
- Arbitrary arrests,
- Breaking and entering,
- Holding of political prisoners,
- Torture, cruel and inhumane or degrading treatment,
- Intimidation.

Specifically, reference is made to the following cases:

(a) Deaths

- Juan Riquelme Cabello, 50 years old, minibus driver, died in Santiago on 24 March 1989, when he was shot be a rifleman;
- Armando Rodriguez Lopez, shot dead in Santiago on 31 March 1989 with a rifle, "by accident" according to the official version;
- Domingo Yanez Troncoso (a child aged 2 years and 4 months), shot in the head in Santiago on 7 March 1989 by riflemen pursuing criminals;
- Ivan Palacios Guarda, a student of the ITESA Institute, shot dead in Santiago on 18 April 1989 by agents of the National Centre of Information (CNI);
- Juan Poblete Cabello, a volunteer fireman, shot dead in Santiago on 23 March 1989;
- Oscar Martinez Asenjo, aged 29, a chauffeur, killed in Temuco on 29 April 1989 by the head of the armed forces, Ismael Segundo Levican Velasquez;
- Jecar Neghme, a popular leader, assassinated in the middle of the street on 4 October with the obvious aim of intimidating the most notable opponents.

(b) Unsuccessful attempts at homicide

- Christian Falcon del Pino, aged 24, and Mauricio Nash Santis, aged 18; both received bullet wounds after being shot by the army captain José Otero Aldunate in October 1988;

- Fresia del Rosario Gonzales Armijo, aged 28, wounded on 2 March after being shot by men with rifles;

- Carlos Wuckstern Puente, aged 18, injured on 12 March by policemen.

(c) Arrests and subsequent disappearance

The Ninth International Week for the Disappeared Detainees in the Continent, organized by the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) between 24 May and 1 June 1989, confirmed that there were about 768 cases of men and women in Chile who had been detained by the security forces and who had still not reappeared. These include a number of workers and students active in trade unions:

- Manuel Jesus Sepulveda Sanchez, aged 28, Valparaiso (since 1987);

- Alejandro Pinochet Arenas, Valparaiso (since 1987);

- Gonzalo Fuenzalida Navarrete, Concepcion (since 1987);

- Jose Pena Maltes (disappeared on 8 September 1987);

- Julio Munoz Otarola, Rancagua (since 1987);

- Manuel Chamorro Gomez, textile worker (disppeared in 1974);

- Gonzalo Toro Garland, from the University of Chile (since 1974);

- Silvio Pardo Rojas, law student UC-Valparaiso (since 1974);

- Aladin Rojas Ramirez, miner, disappeared in April 1975;

- Edgardo Enriquez Espinoza, civil engineer (since 1976);

- Angel Athanasiu Jara, his wife Frieda Laschan and their youngest child, Pablo Geman Athanasiu Laschan (last seen in September 1976);

- Luis Rapia Concha, gas-fitter (disappeared in April 1974);

- Raul Tapia Hernandez, carpenter (disappeared in April 1978);

- Jaime Riquelme Gangas, construction worker (1978);

- Pedro Vergara Inostroza, casual businessman with two crippled legs (disappeared on 27 April 1974);

- Pedro Acevedo Gallardo, student of engineering (disappeared on 28 April 1975);

- Juan Cortes Alruiz, university student and trade union leader (disappeared on 29 April 1976);

- Moises Mujica Maturana, proof-reader (arrested and disappeared on 29 April 1976);

- Basilio Eugenio Eugenio, cobbler (disappeared on 29 April 1976);

- Nalvia Mena Alvaredo and her husband Luis Recabarren Gonzáles (disappeared in 1976);

- Manuel Recabarren Rojas, former president of the Universitaria y Nacimiento publishing house trade union and former national head of graphics (arrested on 30 April 1976 and not seen again since);

- Luis Acevedo Andrada, a worker (arrested on 30 April 1974 and not seen since).

(d) Arbitrary arrests

By the end of 1989, several thousands of arrests of this nature had been recorded by reliable sources. In many cases those arrested were subsequently released, but the arbitrary acts had still been committed. The following are some of those who fell victim to this procedure:

- Miguel Candia Diaz, Paul Gonzales Carrasco and Rene Mancilla Marin, seized in Santiago on 3 March 1989 by six armed civilians when they were protesting inside the Australian Embassy asking for the dismissal of 250 officials from their enterprise;

- Luis Franco (bus assistant) and Roberto Aravena Leyton (graphics worker), arrested on 11 March by the police, during a raid;

- Julio Miranda Santander, accountant-auditor, arrested when his house was broken into on 15 March 1989;

- Pedro Ciudad Palma, an employee, and Christian Vasquez Rubilar, a dealer, arrested in the street on 27 March by the Civil Police;

- Alejandro Quevedo (industrial worker), Daniel Iturra (chauffeur), Marco Amaya (student), Juan Amaya (worker), Carlos Lopez (dealer), Aldo Gonzales (student), Maria del Canto (worker), Nieves Moreita (worker), arrested on 29 March at the home of Alejandro Acevedo, with no search warrant for the breaking into and entering of the premises;

- Arrests during a day of action to mark International Women's Day, to commemorate the assassination of three professionals, etc. Amongst many others, the following were arrested in Santiago, Arica and other cities: Jinny Arancibia, Javiera Parada, Antonieta Prado, Pablo Riquelme, Omar Baeza, Danitza Bastidas, Rosa Icarte, Carlos Fumey, Jorge Aguilera, Alberto Balcerna, Luis Gandara, Enrique Martinez, Ivan Pizarro, Homero Vergara;

- Ivan Acevedo Cancino, aged 29, arrested on 13 April 1989 in the province of Colina;

- Ricardo Duhalde, arrested on 11 April in the Penalolen Commune, Santiago;

- In April 1989 alone, 325 people were arbitrarily arrested, mostly in the course of demonstrations, 189 of whom in Santiago; amongst many others, the following may be cited: Manuel Alarcon, Leonardo Balart, Fidel Castillo, Erwin Erices, Rodrigo Mellado, Marco Olgin, Ramon Sanchez, Jose Vaquez;

- After the national strike declared by the CUT on 18 April, the police made mass arrests; a few of those who were arrested on that occasion were: Susana Berrios, Carlos Carmona, Mauricio Chavez, Hugo Espinoza, Hernan Figueroa, Katerin Farias, Ismael Guerra, Luis Quintana, Felix San Martin;

- Twenty people were arrested when they demonstrated on 8 July against the presence of General Pinochet in the city of Concepcion.

(e) Breaking and entering

During the last year, over 140 such cases were recorded, including the following:

- Silvia Pizarro Nunez, together with her two sons, Fernando Luis and Miguel Angel del Pino, had their house broken into when a group of 20 heavily armed civilians entered their home by force on 28 August 1989. The armed civilians later identified themselves as members of the National Centre of Information (CNI);

- Mireya del Carmen Rozas Sepulveda had her house broken into by two investigators on 22 March 1989, in Santiago;

- Eliana Vilches had her house broken into on 29 March 1989;

- The home of Mr. Enrique Silva, President of the so-called parties of "Democratic Co-ordination", one of the major organizations of the opposition was broken into and entered in the absence of Mr. Silva but in the presence of his wife and other members of his family.

(f) Political prisoners

It has been proved that, on 31 March 1989, the number of political prisoners in Chile was 454, of whom 400 were men and 54 women. Of this group, 69 had already been sentenced and the rest were awaiting trial. At present there are 13 who have been given life sentences, 6 who have been given over 20 years, 20 who have been given more than 15 years and a day, 17 between 10 and 15 years, and 43 who have received sentences of over 5 years.

(g) Torture and cruel, inhumane and degrading treatment

There have been 495 such cases, some of which are the following:

- David Lorca Sanchez, a student, arrested on 3 March 1989, was mistreated and tortured in Santiago;

- Bernardo Silva Mora, a door-to-door salesman, arrested on 11 March 1989 in Santiago, was barbarously beaten and submerged in a drum of water, as well as suffering attempted strangulation;

- Borman Catalan, an agricultural worker, arrested on 21 March 1989 in Santiago, was tortured;

- Enrique Jara, a journalist, was attacked on 10 March, in Santiago;

- Antonio Farias, a worker, was beaten on 11 March 1989, in Santiago;

- Roberto Castillo, a newspaper photographer, was attacked on 11 March 1989, in Santiago;

- Regina Ahumada, a door-to-door saleswoman, was attacked on 15 March in the middle off the street in Santiago;

- Claudio Tapio and Pablo Parada were beaten and tortured on 18 April 1989 in the 17th police station of "Las Tranqueras";

- Jaime Painevilo, a 26-year-old worker, was arrested on 18 April and mistreated. He was also tortured in Santiago;

- Armando Rain, arrested in Lota on 18 April, was severely tortured;

- Nolvia Martinez, a door-to-door saleswoman, was arrested on 26 April and mistreated in Santiago.

(h) Intimidation

WFTU has been informed of 442 cases occurring during the last year, some of which are the following:

- Evelina Bahamondes, a student, received death threats to be carried out if she did not leave the country (January 1989, in Santiago);

- Mauricio Meza Pavez, a dismissed public employee, was arrested and tortured and forced to register his presence in police stations (Santiago, November 1988, April 1989);

- Cesar Vega Encina, a junior printer, has been intimidated since 4 April 1989 in Santiago;

- Ramon Salazar, a worker at SUMAR, and his wife, Rossana Inostroza, a cashier at SUMAR, are constantly threatened and watched (April 1989, Santiago);

- Margarita Envina Carvajal, 51 years old, a craftswoman, as well as her son, Cesar Angel Vega Encina, are being threatened and watched in Santiago.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/16
25 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 6 of the provisional agenda

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (Category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 January 1990]

1. Since the last session of the Commission, the violation of fundamental human rights in South Africa and Namibia have continued. WFTU draws the Commission's attention to the following eloquent facts.

South Africa

Executions

2. According to information from the National Commission of Democratic Lawyers, about 290 South Africans were facing execution during the period in question. By October 1989, 43 of them had already been hanged.

Repression

3. During the last year, there were a number of assassinations of and assassination attempts on anti-apartheid activities. Such attacks were particularly in the form of shootings, bombings and hand grenade attacks. Two of the targets of assassination attempts were former detainees who had been

served with banning orders. The trade unions also noted several other forms of harassment of anti-apartheid activities, which included death threats, arson attacks on buildings and vehicles, malicious damage to property, burglaries, assault and extensive damage to graves of human rights activists.

Breaking up of meetings

4. WFTU was informed of 46 cases of meetings and protests which were dispersed by the security forces, in particular during the first half of last year. Of the 46 incidents, 18 were violently dispersed and 15 involved the arrest or detention of some of the participants. Where violence was used, 22 cases involved tear-gas and the use of squirts, three involved birdshot, and two involved shotguns, rubber bullets, water cannons, stern grenades, buckshot and batons. In some cases, more than one method was used.

5. On 6 September 1989, for example, more than 20 people died as a result of police action in the western Cape. Those killed included a girl aged 5, a boy aged 14 and a woman aged 69 who was found beheaded with her body riddled with shotgun pellets. One person was killed in Stellenbosch after police opened fire on a crowd from a casspir. Over 200 people were injured.

6. Similarly, on 23 September, police broke up the Women Against Repression march to the Union Buildings in Pretoria after it had been declared illegal by the régime. Police raided the Pretoria office of the Congress of South African Trade Unions the same day. At least 30 COSATU members and officials were beaten with truncheons.

Raids

7. A week before the 6 September tricameral elections, the homes of 14 activists were raided by the police, mostly in the early hours of the morning. On six occasions in the same period, police searched the offices of anti-apartheid organizations.

Namibia

8. During the run-up to elections in Namibia in October and November 1989, there were widespread reports of harassment, intimidation and smear campaigns against SWAPO and its supporters, fuelled by the South African régime and some opposition parties.

9. WFTU strongly condemned the assassination of Anton Lubowski, a leader of SWAPO and official of the WFTU Namibian affiliate, the National Union of Namibian Workers.

10. This crime, which was intended to disrupt SWAPO's preparations for the elections, was aimed at one of the most highly respected leaders of SWAPO. As the liberation movement's spokesman and passionate champion of its demands, he had been taking part, after the return of the exiles, in the organization of the election campaign.

11. A SWAPO election campaign worker was killed by a grenade attack in Kaokoland in November 1989. The identity of the deceased was withheld until his next-of-kin had been informed.

12. The President of the National Student Organization of Namibia (NANSO), Ignitius Shiwameri, was shot at by alleged Democratic Turnhalle Alliance (DTA) supporters in Katima Mulilo. He, together with his fellow travellers, George Mahoney, Shakespeare Masize and Elias Shiwere, were injured in that incident.

13. The National Union of Namibian Workers reported that 16 workers were dismissed by their employer in early November 1989 for casting votes in favour of SWAPO.

14. The police station commander in the Southern Namibian town of Outjo encouraged white residents to "clean and oil their guns" in preparation for a violent election campaign. The situation was also aggravated by the South African régime's announcement, without verification, that their intelligence had unearthed information that SWAPO was preparing for a military invasion. This allegation against SWAPO was subsequently withdrawn by the South African Minister of Foreign Affairs, P.R. Botha.

15. Pamphlets denigrating SWAPO were distributed in different parts of Namibia, allegedly by DTA. This tactic did not conform to the agreements or the spirit of United Nations Security Council resolution 435 (1978).

Front-line States

16. South Africa's export of violence and its deliberate destruction of economies and lives in neighbouring States has had a devastating impact on the economic development and human well-being of the front-line States.

17. Since 1980, 1,500,000 lives have been lost, over half of them infants or children under 5 years, from war-induced starvation, the destruction of health services and civilian casualties. Another 1,500,000 have fled their countries, 6,100,000 are internally displaced, and countless more have been thrown into poverty.

18. Over the period 1980-1988, the cumulative regional costs of South Africa's total strategy was $US 60 billion. Mozambique and Angola are singled out as having borne the greater brunt of South Africa's regional destabilization.

- - - - -